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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,168	07/30/2003	Keith A. Christenson	LEAR 03959 PUS	7640

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EXAMINER

GARY, ERIKA A

ART UNIT PAPER NUMBER

2681

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,168

Applicant(s)

CHRISTENSON ET AL.

Examiner

Erika A. Gary

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11, 13-17 and 19 is/are rejected.
- 7) ☒ Claim(s) 5, 12 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6-11, 13-17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's submission of prior art, Dykema et al., US Patent Number 5,661,804 (hereinafter Dykema).

Regarding claim 1, Dykema discloses a method of activating an appliance remotely controllable by an existing transmitter, the appliance responding to a radio frequency activation signal based on one of a plurality of rolling code schemes, the method comprising: receiving at least one activation signal transmitted from the existing transmitter, the activation signal including an existing transmitter identifier; examining the at least one received activation signal to determine which of the plurality of rolling code schemes was used by the existing transmitter to generate the received activation signal; determining a new transmitter identifier different from the existing transmitter identifier based on the determined rolling code scheme; and transmitting a new activation signal based on the determined rolling code scheme, the new activation signal including the new transmitter identifier [col. 4: line 64 – col. 5: line 20].

Regarding claim 2, Dykema discloses the new activation signal is transmitted based on receiving an activation input [col. 5: lines 2-7].

Regarding claim 3, Dykema discloses the determination of which rolling code scheme was used by the existing transmitter is based on receiving a programming mode input [col. 5: lines 2-7].

Regarding claim 4, Dykema discloses the appliance responds to a radio frequency activation signal based on one of a plurality of fixed code schemes or one of the plurality of rolling code schemes, the method further comprising: determining whether the received activation signal is based on one of the plurality of fixed code schemes or on one of the plurality of rolling code schemes; and if the received activation signal is based on one of the fixed code schemes, storing a fixed code received in the activation signal and using the stored fixed code to transmit an activation signal [col. 14: line 60 – col. 15: line 12].

Regarding claim 6, Dykema discloses a system for operating an appliance, the appliance responding to an activation signal transmitted from an existing radio frequency transmitter, the system comprising: a receiver operable to receive any of a plurality of radio frequency activation signals; a transmitter operable to transmit any of the plurality of radio frequency activation signals; and control logic in communication with the receiver and the transmitter, the control logic operating in a learn mode and an operate mode, the control logic in learn mode determining and storing a new transmitter identifier different from any existing transmitter identifier received in at least one rolling code activation signal transmitted by the existing transmitter, the control logic in operate mode generating a new activation signal different from any activation signal transmitted

by the existing transmitter, the new activation signal including the new transmitter identifier [col. 4: line 64 – col. 5: line 20].

Regarding claim 7, Dykema discloses the control logic supports a plurality of channels, each channel programmable to a different existing transmitter [col. 18: lines 17-20]

Regarding claim 8, Dykema discloses a user interface placing the control logic in learn mode based on a first user input and causing transmission of the new activation signal based on a second user input [col. 4: line 64 – col. 5: line 20].

Regarding claim 9, Dykema discloses the control logic is operable in learn mode to determine whether the at least one activation signal transmitted by the existing transmitter is based on a rolling code scheme or a fixed code scheme [col. 14: lines 60-66].

Regarding claim 10, Dykema discloses if the at least one activation signal transmitted by the existing transmitter is a fixed code scheme, the control logic extracting and storing a fixed code from the at least one activation signal transmitted by the existing transmitter [col. 14: line 60 – col. 15: line 4]

Regarding claim 11, Dykema discloses the control logic in operate mode generates an activation signal including the stored fixed code [col. 14: line 60 – col. 15: line 21].

Regarding claim 13, Dykema discloses the control logic determines which of a plurality of rolling code schemes was used by the existing transmitter based on receiving a programming mode input [col. 4: line 64 – col. 5: line 20].

Regarding claim 14, Dykema discloses a method of programming a programmable radio frequency appliance remote control comprising: receiving a signal from an existing radio frequency remote control, the signal based on one of a plurality of activation schemes; determining if the received signal was generated using one of a plurality of rolling code activation schemes; if so, storing an indication as to which rolling code scheme was used to generate the received signal; and determining and storing a new transmitter identifier different from an existing transmitter identifier associated with the existing transmitter [col. 4: line 64 – col. 5: line 20].

Regarding claim 15, Dykema discloses receiving an activation input signal; and transmitting a new activation signal based on the stored rolling code scheme indication and on the new transmitter identifier [col. 5: lines 2-7].

Regarding claim 16, Dykema discloses determining if the received signal was generated using one of a plurality of fixed code activation schemes; if so, storing an indication as to which fixed code scheme was used to generate the received signal; and extracting and storing a fixed code from the received signal [col. 14: line 60 – col. 15: line 21].

Regarding claim 17, Dykema discloses receiving an activation input signal; and transmitting a new activation signal based on the stored fixed code scheme indication and on the stored fixed code [col. 14: line 60 – col. 15: line 21].

Regarding claim 19, Dykema discloses the determination of which rolling code scheme was used to generate the received signal is based on receiving a programming mode input [col. 4: line 64 – col. 5: line 20].

Allowable Subject Matter

3. Claims 5, 12, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Castro Esteban, US Patent Application Publication Number 2003/0085798, disclose a remote control system for access management and control.

Teich, US Patent Application Publication Number 2004/0061591, disclose remote code authorization for access control systems.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2681

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAG
May 11, 2005


ERIKA A. GARY
PRIMARY EXAMINER